

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SUSAN MARCOS-CHAVELA,

No. 3:19-cv-00548-HZ

Plaintiff,

v.

FEDERAL DISTRICT COURT,

OPINION & ORDER

Defendant.

HERNANDEZ, District Judge:

Pro se plaintiff Susan Marcos-Chavela brings this action against the "Federal District Court." Plaintiff moves to proceed *in forma pauperis*. Because she appears to have no appreciable income or assets, I grant the motion. However, for the reasons explained below, I dismiss the Complaint.

STANDARDS

A complaint filed *in forma pauperis* may be dismissed at any time, including before

service of process, if the court determines that:

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal—
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2); *see also* *Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (sua sponte dismissals under section 1915 "spare prospective defendants the inconvenience and expense of answering" complaints which are "frivolous, malicious, or repetitive"); *Lopez v. Smith*, 203 F.3d 1122, 1126 n.7 (9th Cir. 2000) (section 1915(e) applies to all *in forma pauperis* complaints, not just those filed by inmates). A complaint is frivolous "where it lacks an arguable basis either in law or in fact." *Neitzke*, 490 U.S. at 325; *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989).

DISCUSSION

I. Allegations

In the caption of her Complaint, Plaintiff names "Federal District Court" as the Defendant. Compl. at p. 1, ECF 1. On the second page, she identifies the Defendant as the "MARK O. HATFIELD Federal Courthouse." *Id.* at p. 2. She asserts federal jurisdiction based on a federal question which she explains like this: "No man no woman's name shall be placed on any Court House Above the people's right to participate in a free society [indecipherable] due process." *Id.* at p.3. In stating her claim and describing the relief she seeks, she writes:

I am claiming an illegally appointed U.S. Senator Mark O. Hatfield was an Alias and former [indecipherable] President Bill Clinton has no authority to place their names in Honor Above the people's Justice. [B]oth men claim to be holders of Law degrees - This is not true[.] Remove their names - be [indecipherable] to U.S. Constitution and pay me a fee of one million dollars.

Id. at p. 4.

II. Discussion

Plaintiff asserts no violation of any constitution, statute, regulation, or other law. The Court is unaware of any basis for her claim. She asserts no cognizable theory of relief. The Mark O. Hatfield United States Courthouse was named pursuant to an Act of Congress and signed by the President on October 1, 1996. Pub. L. No. 104-221, 110 Stat. 3024; *see also* 142 Cong. Rec. D1049-01 (Oct. 3, 1996) (available at 1996 WL 562390) (showing signing date of Oct. 1, 1996).

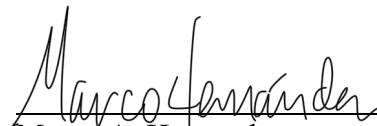
Because Plaintiff presents no viable theory for relief, I dismiss the Complaint as frivolous. While a pro se party's pleadings are to be liberally construed, because the allegations here are so patently frivolous, I dismiss the Complaint with prejudice.

CONCLUSION

Plaintiff's motion to proceed *in forma pauperis* [2] is granted. The Complaint is dismissed with prejudice. Any appeal of this dismissal would not be taken in good faith. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3).

IT IS SO ORDERED.

Dated this 24 day of April, 2019


Marco A. Hernandez
United States District Judge